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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,964	12/21/2001	Mark A. Baloga	076507-0421	7993
26371	7590	06/29/2004		
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			EXAMINER SLACK, NAKO N	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,964

Applicant(s)

BALOGA ET AL.

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-86 is/are pending in the application.
- 4a) Of the above claim(s) 1-56 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-73, 77-80, 83 and 84 is/are allowed.
- 6) ☒ Claim(s) 74-76, 81, 82, 85 and 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 1-56 have been previously cancelled.

New claims 84-86 have been entered.

In view of applicant's amendments received April 5, 2004, claims 57-73, 77-80, 83, and 84 are allowed, and claims 74-76, 81, 82, 85 and 86 are rejected. A new rejection of claims 74-76, 81, 82, 85 and 86 as necessitated by amendment renders applicant's remarks to the prior rejection moot.

This action is final.

Drawings

The objection to the Drawings as presented in the prior Office Action has been withdrawn; however, a new objection follows:

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "set of passages 1052" as described on page 12, paragraph 80, line 3 of the specification must be shown or the feature(s) canceled from the claim(s). Element "1052" has not been labeled in the Drawings. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

The specification states, "Referring to FIGURE 12, a work environment 2y is shown as a room including an information display system 6..." (page 19, paragraph 94, lines 16-17). However, display system 6 is not shown in Figure 12.

On page 28, paragraph 108, line 19, "8k" should probably be -- 8g --, and "8j" should probably be -- 8f --.

Appropriate correction is required.

Claim Rejections – 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 74, 76, 81, 82, 85, and 86 are rejected under 35 USC 102(b) as being anticipated by US Patent 5,534,963 to Adolphi et al.

Claim 74:

Aldophi et al. discloses a wall supported system for use in a workspace to distribute utilities, the system comprises: a utility access extension (11, Figure 1) comprising a utility delivery zone (60, Figure 1); overhead utility beams, longitudinal beams (20) and lateral beams (24), which are movably coupled to permit the workspace to adapt to various sizes (column 2, lines 59-67) and which supply utilities to the delivery zone

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(column 2, lines 57-59); a light fixture coupled to the utility beams (30, Figure 1); and utilities routed to the overhead utility beam at the top section of the article of furniture (connection of utility beams occur at the top of the end walls, as best seen in Figure 1).

Claim 76:

The telescoping utility beams (14 and 24, Figure 1) permit adjustability and movement along a predefined path to selectively deliver utilities to at least one portion of a work area (column 2, line 59 – column 3, line 1).

Claim 81:

The utility access extension (11, Figure 1) projects downward from the overhead beam (14, Figure 1), and the utility delivery zone (60, Figure 1) is provided on the utility access extension (11, Figure 1).

Claim 82:

The utility delivery zone (60, Figure 1) is provided on an interior of the utility access extension.

Claim 85:

The utility beam does not extend below the top section of the article of furniture and the top section of the utility access extension (as best shown in Figure 1).

Claim 86:

As explained above, overhead utility beams, longitudinal beams (20) and lateral beams (24), are movably coupled to permit the workspace to adapt to various sizes (column 2, lines 59-67); therefore, the utility beam and the utility access extension are configured for translating movement relative to the article of furniture.

Claim Rejections – 35 USC 103

The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 75 is rejected under 35 USC 103(a) as being unpatentable over US Patent 5,534,963 to Adolphi et al.

Claim 75:

While Adolphi et al. discloses the utility beams coupled at the top section of the furniture and not positioned at an elevation above the furniture, it would have been a matter of obvious design choice for one of ordinary skill in the art at the time the invention was made to couple the utility beam above the furniture as opposed to at the top section of the furniture to provide more headroom within the workspace, as Adolphi et al. desires the workspace to be flexible to accommodate various poses of the subjects, including standing subjects (column 1, lines 40-43 and 56-60).

Allowable Subject Matter

Claims 57-73, 77-80, 83, and 84 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 57, while prior art discloses a workspace system comprising a utility access extension with a utility zone, and a utility beam coupled to the top section of

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an article of furniture, such as a wall or frame, prior art fails to further disclose the utility beam having a first end for translating movement along the top section of the article of furniture.

Regarding claim 70, while prior art discloses a floor supported system comprising an overhead utility beam coupled proximate one end of an article of furniture, such as a wall or frame, prior art fails to further disclose a utility delivery zone positioned vertically below the overhead utility beam.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance."

Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent DES 390,967 to Beuster et al. discloses a wall-mounted supply unit for a medical workstation comprising an overhead utility beam with mounted lighting.

Final Action Necessitated By Amendment

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl D. Friedman can be reached at (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in cursive script, appearing to be 'NS'.

NS
June 19, 2004

A handwritten signature in cursive script, appearing to be 'Carl D. Friedman'.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600